

Sentence Review Hearing Procedure



1. The Office of the State Public Defender (OPD) wants to assist OPD clients and criminal defense lawyers working for OPD clients with Sentence Review. To that end, OPD Training Coordinator Eric Olson will accept any sentence review case and substitute as counsel of record if he is made aware of a request for assistance AND is provided with the client's file.
 - a. OPD regularly receives updated lists from the Sentence Review Division (SRD) containing the names of pending petitioners. The lists are forwarded to the appropriate regional deputy public defenders, who then contact the individual attorneys listed as counsel of record. The attorney listed as counsel of record is advised of the pending sentence review and that OPD will assume responsibility for the hearing if the attorney chooses not to do so.
 - b. An attorney listed as counsel of record on SRD notices is responsible to either:
 - (i) acknowledge to Mr. Olson in writing that s/he will remain responsible for the case, or
 - (ii) notify Mr. Olson via email or telephone message that s/he wishes OPD to assume responsibility for the sentence review matter.
 - c. An attorney requesting that OPD assume responsibility for the sentence review MUST provide the file to Mr. Olson.
 - d. When the attorney's request and the file have been received by OPD, Mr. Olson will send an email notice to the SRD entering his appearance for the defendant and will copy the attorney with that notice.
 - e. **The attorney listed as counsel of record remains solely responsible for the case until s/he has received an email or written pleading from OPD acknowledging that an OPD attorney has entered an appearance for the defendant.**
2. OPD recognizes that often attorneys have no idea that a defendant (client or former client) has filed a petition for sentence review. The filing is generally done *pro se* and notice may not be sent to the counsel of record. Nevertheless, **the name listed as counsel of record by the SRD is regarded as counsel of record for all purposes, including hearing** – even if the case was subsequently reassigned or transferred to another attorney for appeal or post conviction proceedings. Attorneys should carefully scrutinize the SRD hearing notices and act quickly to secure OPD assistance if they do not wish to appear at the sentence review hearing.
3. **Barring unavoidable and unforeseen developments, OPD will NOT accept cases referred within 10 days of the sentence review hearing date.** It is the responsibility of the counsel of record to request OPD assistance as soon as possible, and to locate the case file and send it to Mr. Olson if assistance is requested.
4. OPD has developed this policy in order to secure the most efficient means of protecting and advancing the interests of OPD clients, for budgetary reasons, to help reduce the demand on attorneys' time, and to help inmates avoid unnecessary continuances or uncounseled waivers.
5. The SRD panel expects OPD to provide specific input regarding representation and is not tolerant of failures to appear.

For further information, contact:
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